



MONTGOMERY COUNTY ETHICS COMMISSION

October 28, 2015

Waiver 15-10-017

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Kristofer Kostura is a Fire Fighter Rescuer II in the Montgomery County Fire and Rescue Service (MCFRS). He requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that he can be employed by Matheny Motors, Incorporated, which has current and past transactions with the MCFRS involving fire apparatus.

As a Fire Fighter Rescuer II, Mr. Kostura is not involved in requesting or approving contracts for fire apparatus purchased by the County. As an employee of Matheny Motors, Mr. Kostura will not conduct any sales activity in Montgomery County. His assigned sales territories will include several counties other than Montgomery County.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). The waiver is conditioned on Mr. Kostura not conducting sales activity for Matheny Motors in Montgomery County or with the Montgomery County government and on his not having any involvement as a County employee in any participation in negotiations or transactions involving Matheny Motors.

In reaching this decision, the Commission has relied upon the facts as presented by Mr. Kostura.

For the Commission:

Kenita V. Barrow, Chair

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